

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TOMMY EDWARD JACKSON,

Plaintiff,

v.

Case No. 22-cv-939-pp

EMILY, *et al.*,

Defendants.

**ORDER DISMISSING CASE WITHOUT PREJUDICE FOR PLAINTIFF'S
FAILURE TO PAY INITIAL PARTIAL FILING FEE**

Plaintiff Tommy Edward Jackson, who is confined at Brown County Jail and representing himself, filed a civil rights complaint under 42 U.S.C. §1983, dkt. no. 1, along with a motion for leave to proceed without prepayment of the filing fee, dkt. no. 4. On September 19, 2022, the court ordered that on or before October 19, 2022, the plaintiff must pay an initial partial filing fee of \$1.00. Dkt. No. 9. The court also informed the plaintiff that if, by that deadline, he did not either pay the initial partial filing fee or explain why he could not pay it, the court would dismiss the case without prejudice. *Id.* at 3.

The October 19, 2022, deadline has passed. The plaintiff has not paid the initial partial filing fee or provided the court with a written explanation as to why he could not pay. Because the defendants have not had the opportunity to decide whether they consent to the magistrate judge's authority to dispose of the case, the case was reassigned to this Article III court to determine whether

to dismiss the case. The court will dismiss this case without prejudice. Because the dismissal is without prejudice, the plaintiff may refile his complaint in the future, subject to the relevant statute of limitations. Alternatively, within twenty-one days of the date the court enters this order, the plaintiff may file a motion to reopen the case, along with the initial partial filing fee. If the plaintiff chooses the alternative option, he must file the motion to reopen and pay the initial partial filing fee in time for the court to *receive* them by the end of the twenty-first day after the date the court enters this order.

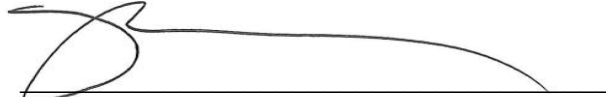
THE COURT ORDERS that this case is **DISMISSED WITHOUT PREJUDICE** because the plaintiff has failed to comply with the court's September 19, 2022 order to pay the initial partial filing fee and because he has failed to pay that fee. The clerk will enter judgment accordingly.

THE COURT ORDERS that, under 28 U.S.C. §1915(b)(1), the plaintiff must pay the \$350 statutory filing fee. The agency having custody of the plaintiff must collect from his institution trust account the **\$350** filing fee by collecting monthly payments from the plaintiff's prison trust account in an amount equal to 20% of the preceding month's income credited to the prisoner's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number assigned to this case. If the plaintiff is transferred to another institution, the transferring institution must forward a copy of this order along with the plaintiff's remaining balance to the receiving institution.

The court will send a copy of this order to the Brown County Sheriff.

Dated at Milwaukee, Wisconsin this 31st day of October, 2022.

BY THE COURT:

A handwritten signature in black ink, consisting of a large, stylized 'P' followed by a horizontal line extending to the right.

HON. PAMELA PEPPER
Chief United States District Judge